

REMARKS

Status of the Claims

Claims 1 through 9 are in the application.

Claims 1-6 have been allowed.

Claims 7-9 were rejected under 35 U.S.C. 101 on the basis stated by Examiner that they represent non-statutory subject matter.

Substantive Rejections

Examiner contends the claimed invention of claims 7 to 9 is directed to non-statutory subject matter "because they set forth a computer program that is not embodied in a computer readable medium." [paragraph 2, page 2, of Office action].

Examiner there further said:

"The USPTO takes the position that a computer program, *per se*, does not comply with the requirements for statutory subject matter because it does not fall within one of the enumerated statutory classes of invention, e.g., process, manufacture, and composition of matter, unless it is incorporated into a computer readable medium."

Applicant does not challenge that view of the Office, but believes the present specification provides or infers that a program is part of the computer, and is inherently computer readable medium because it is part of the computer.

Examiner stated his view that Applicant has no disclosure in the Specification as originally filed for any computer readable medium.

Applicant believes that a "computer readable medium" is implied by the present disclosure. Another example of disclosure in the present specification that Examiner might please again consider is the specification text beginning on page 12, line 15, and extending through page 13, line 1, which is:

A program according to the invention is a program which causes a computer to function as the spontaneous emotion unit, the knowledge database, and the conception unit that constitute the above-described inspiration model device.

The above-described inspiration model device can be implemented on a computer by causing the computer to run this program.

Another program according to the invention is a program which causes a computer to function as the spontaneous emotion unit, the surface storage unit, and the deep consciousness updating unit that constitute the above-described spontaneous emotion model device.

The above-described emotion model device can be implemented on a computer by causing the computer to run this program.

Applicant argued in the prior response (Amendment A) and again asserts for preservation of the argument that "one of ordinary skill in the art would know that processing such as 'an operation process representing a stochastic model of the Schrödinger equation' and/or 'a knowledge database that simulates a human inspiration source' of claim 1 are processed by a computer, and that the aforementioned computer would have a program for realizing the inventions of the present application. Consequently, Applicant then contended and does again contend, "it would be known by the skilled artisan that there is a computer readable medium storing the program." As the above disclosure discloses, the present specification infers that a program is associated with the computer, and so, Applicant contends that the program is inherently of a computer readable medium because it controls the function of the computer. As stated, the computer is caused to run the program to give implementation to the functional elements disclosed, namely inspiration model device, spontaneous emotion unit and emotion model device.

So also, as previously pointed out, page 1 of the application refers to a computer and in that context presupposes a program. Logically, the skilled artisan would think that that such process would be processed by computer. The Copyright Act aids in understanding as it defines a computer program as "a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result." 17 U.S.C. § 101. Applicant has in effect disclosed a set of statements or method features, namely, the methodology for a computer in order to bring about a certain result, even though a specific programming language is not used. Furthermore, the original claims include the expression "computer to function as said spontaneous emotion unit" and it is clear patent law that claims are part of the applicant's disclosure.

Examiner is asked to consider and so state if the phrase of each of claims 7 to 9 "stored in a computer" is the phrase which is central to Examiner's rejection, and to consider if some possible variation of that phrase might lead to the allowability of these claims. If Examiner were to call the undersigned is hoped that such a possibility could be discussed, perhaps by Examiner's Amendment, to permit the application to proceed with allowance of claims 7 to 9.

But as these claims now stand, Applicant asserts that claims 7 to 9 comply with Section 101 of the Patent Act.

Summary:

It is respectfully submitted that none of the references of record, whether considered individually, or as combined, teach or suggest to the person having ordinary skill in the art at the time of the present invention the presently claimed inventions of claims 7 to 9. Allowance of claims 7 to 9 in addition to already allowed claims 1-6 is solicited. All claims in the application are submitted to be patentable over the art of record and directed to statutory subject matter.

The present response is intended to clarify amendments and further emphasize and contrast invention relative to the statutory requirements. The entry of this response requires no new search, raises no new issue and requires no substantial amount of additional work by the Patent and Trademark Office. Thus its entry is believed to be necessary and proper inasmuch as placing the application in better form for allowance or in better form for appeal (if for any reason the claims as amended are not found allowable).

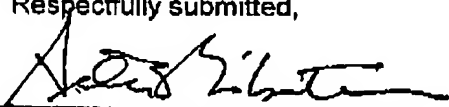
In view of the foregoing, withdrawal of the final rejection, entry of this amendment, and a formal notice of allowance are requested. If for any reason the application is not held to be allowable, entry of this amendment for the purpose of appeal is hereby requested.

No fees are believed to be required. Any fees required are authorized to be charged to USPTO Deposit Account No. 07-1985.

If Examiner intends to take any action other than allowance, or if an issue could be readily resolved or other action could be taken to advance this application, such as Examiner's amendment, or if Examiner believes there is confusion as between Examiner and the undersigned as to the version of claims before the Examiner, it is requested that Examiner please telephone the undersigned.

Respectfully submitted,

Date: 26 June 2009


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